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STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:	Docket HWCA 20040448
Crane's Waste Oil, Inc.	ENFORCEMENT ORDER
16095 Highway 178	
Weldon, California 93283	Health and Safety Code
	Section 25187
EPA ID No. CAD 980 813 950	
Respondent.	

INTRODUCTION

1.1. Parties. The State Department of Toxic Substances Control (Department) issues this Enforcement Order (Order) to Crane's

1 1.3. Permit/Interim Status. The Department authorized
2 Respondent to manage hazardous waste by Hazardous Waste Facility
3 Permit (Permit) issued on December 23, 1997.

4 1.4. Jurisdiction. Section 25187 of the Health and Safety
5 Code authorizes the Department to order action necessary to correct
6 violations and assess a penalty when the Department determines that
7 any person has violated specified provisions of the Health and Safety
8 Code or any permit, rule, regulation, standard, or requirement issued
9 or adopted pursuant thereto.

10 1.5. Exhibits. All exhibits attached to this Order are
11 incorporated herein by this reference.

12 1.6. Applicable Statutes and Regulations. Copies of the
13 statutes and regulations applicable to this Order are attached as
14 Exhibit A.

15 DETERMINATION OF VIOLATIONS

16 2. The Department has determined that:

17 2.1.1 The Respondent violated California Code of
18 Regulations, title 22, section 66264.16, subsection (c) in that on
19 or about February 19, 2004, the Respondent failed to provide annual
20 review of the initial hazardous waste training to two of its employees
21 who handle hazardous wastes. The employees who have not completed the
22 necessary training are Janet Crane and Ted Crane.

23 2.1.2 The Respondent violated California Code of

1 total halogens by testing each shipment of used oil for total halogens
2 as specified in section 66279.90, subsection (a).

3 2.1.3 The Respondent violated California Code of
4 Regulations, title 22, section 66270.30, subsection (a) and its
5 Permit, Part II-Special Condition, 9 in that since January 23, 1998,
6 the Respondent failed to revise its Waste Analysis Plan to incorporate
7 the test methods identified in California Code of Regulations, title
8 22, section 66270.90, subsection (a).

9
10 SCHEDULE FOR COMPLIANCE

11 3. Based on the foregoing Determination of Violations, IT
12 IS HEREBY ORDERED THAT:

13 3.1.1. Respondent has submitted to the Department a permit
14 modification to revise its Waste Analysis Plan.

15 3.1.2. Respondent has corrected the other violations,
16 2.1.1, and 2.1.2, cited above. Respondent shall operate hereinafter
17 in a manner that shall prevent recurrences of the violations cited
18 herein.

19 3.2. Submittals. All submittals from Respondent pursuant
20 to this Order shall be sent to:

21 Roberto Kou, Unit Chief
22 Department of Toxic Substances Control
23 1011 N. Grandview Ave.
 Glendale, California 91201

1 guidance, suggestions, or comments by the Department regarding
2 reports, plans, specifications, schedules, or any other writings by
3 Respondent shall be construed to relieve Respondent of the obligation
4 to obtain such formal approvals as may be required.

5 3.4. Department Review and Approval. If the Department
6 determines that any report, plan, schedule, or other document
7 submitted for approval pursuant to this Order fails to comply with the
8 Order or fails to protect public health or safety or the environment,
9 the Department may:

10 a. Modify the document as deemed necessary and approve the
11 document as modified, or

12 b. Return the document to Respondent with recommended
13 changes and a date by which Respondent must submit to the Department
14 a revised document incorporating the recommended changes.

15 3.5. Compliance with Applicable Laws: Respondent shall
16 carry out this Order in compliance with all local, State, and federal
17 requirements, including but not limited to requirements to obtain
18 permits and to assure worker safety.

19 3.6. Endangerment during Implementation: In the event that
20 the Department determines that any circumstances or activity (whether
21 or not pursued in compliance with this Order) are creating an imminent
22 or substantial endangerment to the health or welfare of people on the
23 site or in the surrounding area or to the environment, the Department

1 3.7. Liability: Nothing in this Order shall constitute or
2 be construed as a satisfaction or release from liability for any
3 conditions or claims arising as a result of past, current, or future
4 operations of Respondent. Notwithstanding compliance with the terms
5 of this Order, Respondent may be required to take further actions as
6 are necessary to protect public health or welfare or the environment.

7 3.8. Site Access: Access to the site shall be provided at
8 all reasonable times to employees, contractors, and consultants of the
9 Department, and any agency having jurisdiction. Nothing in this Order
10 is intended to limit in any way the right of entry or inspection that
11 any agency may otherwise have by operation of any law. The Department
12 and its authorized representatives shall have the authority to enter
13 and move freely about all property at the Site at all reasonable times
14 for purposes including but not limited to: inspecting records,
15 operating logs, and contracts relating to the Site; reviewing the
16 progress of Respondent in carrying out the terms of this Order; and
17 conducting such tests as the Department may deem necessary.
18 Respondent shall permit such persons to inspect and copy all records,
19 documents, and other writings, including all sampling and monitoring
20 data, in any way pertaining to work undertaken pursuant to this Order.

21 3.9. Data and Document Availability. Respondent shall
22 permit the Department and its authorized representatives to inspect
23 and copy all sampling, testing, monitoring, and other data generated

1 Respondent shall maintain a central depository of the data, reports,
2 and other documents prepared pursuant to this Order. All such data,
3 reports, and other documents shall be preserved by Respondent for a
4 minimum of six years after the conclusion of all activities under this
5 Order. If the Department requests that some or all of these documents
6 be preserved for a longer period of time, Respondent shall either
7 comply with that request, deliver the documents to the Department, or
8 permit the Department to copy the documents prior to destruction.
9 Respondent shall notify the Department in writing at least six months
10 prior to destroying any documents prepared pursuant to this Order.

11 3.10. Government Liabilities: The State of California
12 shall not be liable for injuries or damages to persons or property
13 resulting from acts or omissions by Respondent or related parties in
14 carrying out activities pursuant to this Order, nor shall the State
15 of California be held as a party to any contract entered into by
16 Respondent or their agents in carrying out activities pursuant to the
17 Order.

18 3.11. Incorporation of Plans and Reports. All plans,
19 schedules, and reports that require Department approval and are
20 submitted by Respondent pursuant to this Order are incorporated in
21 this Order upon approval by the Department.

22 3.12. Extension Request: If Respondent are unable to
23 perform any activity or submit any document within the time required

1 that good cause exists for an extension, it will grant the request and
2 specify in writing a new compliance schedule.

3 OTHER PROVISIONS

4 4.1. Additional Enforcement Actions: By issuance of this
5 Order, the Department does not waive the right to take further
6 enforcement actions.

7 4.2. Penalties for Noncompliance: Failure to comply with
8 the terms of this Order may also subject Respondent to costs,
9 penalties, and/or punitive damages for any costs incurred by the
10 Department or other government agencies as a result of such failure,
11 as provided by Health and Safety Code section 25188 and other
12 applicable provisions of law.

13 4.3. Parties Bound: This Order shall apply to and be
14 binding upon Respondent, and their officers, directors, agents,
15 employees, contractors, consultants, receivers, trustees, successors,
16 and assignees, including but not limited to individuals, partners, and
17 subsidiary and parent corporations.

18 4.4. Time Periods. "Days" for purposes of this Order means
19 calendar days.

20 PENALTY

21 5. Based on the foregoing DETERMINATION OF VIOLATIONS, the
22 Department sets the amount of Respondent' penalty at \$15,500. Payment
23 is due within 30 days from the effective date of the Order.

1 Department of Toxic Substances Control
2 Accounting Office
3 1001 I Street, 21st floor
4 P. O. Box 806
5 Sacramento, California 95812-0806

6 A photocopy of the check shall be sent to:

7 Robert Kou, Unit Chief
8 Department of Toxic Substances Control
9 1011 N. Grandview Ave.
10 Glendale, California 91201

11 RIGHT TO A HEARING

12 6. Respondent may request a hearing to challenge the
13 Order. Appeal procedures are described in the attached Statement to
14 Respondent.

15 7. This Order is final and effective twenty days from the
16 date of mailing, which is the date of the cover letter transmitting
17 the Order to Respondent, unless Respondent requests a hearing within
18 the twenty-day period.

19 Date of Issuance: July 14, 2004
20

21 ORIGINAL SIGNED BY ROBERTO KOU

22 Roberto Kou, Unit Chief
23 Statewide Compliance Division